

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Abdihakiin Ahmed Qalinle,

Petitioner,

v.

Michael Donahue,

Respondent.

No. CV-15-02190-PHX-DJH

ORDER

This matter is before the Court on Petitioner's Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus by a Person in Federal Custody (Doc. 1), and the Report and Recommendation ("R&R") issued on January 29, 2016, by United States Magistrate Judge Bridget S. Bade (Doc. 14).

During the pendency of the Petition, Respondent notified the Court that on November 6, 2015, Petitioner had been released from the custody of the United States Immigration and Customs Enforcement ("ICE") agency. (Doc. 14 at 2:7-8) (citation omitted). After Respondent filed a Notice to Court and Suggestion of Mootness based upon Petitioner's release from ICE custody, the Magistrate Judge issued an Order to Show Cause, requiring Petitioner to file a response thereto showing why his Petition should not be dismissed as moot. (*Id.* at 2:10-12) (citation and footnote omitted). *See* Doc. 16. When Petitioner did not respond, and because Petitioner had been granted the relief he sought in his Petition, the Magistrate Judge soundly reasoned that his release mooted the Petition. (*Id.* at 2:15-3:20). On this basis, the Magistrate Judge

recommended denying the Petition as moot. (*Id.* at 3:23-24).

The parties have not filed objections and the time to do so has expired. Absent any objections, the Court is not required to review the findings and recommendations in the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1989) (The relevant provision of the Federal Magistrates Act, 28 U.S.C. § 636(b)(1)(C), “does not on its face require any review at all . . . of any issue that is not the subject of an objection.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (same); Fed.R.Civ.P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”).

Nonetheless, the Court has reviewed the R&R and agrees with its recommendation. The Court will, therefore, accept the R&R, and deny the Petition as moot. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”); Fed.R.Civ.P. 72(b)(3) (same).


Accordingly,

IT IS ORDERED ACCEPTING AND ADOPTING as an Order of this Court Magistrate Judge Bade’s R&R (Doc. 14);

IT IS FURTHER ORDERED DENYING as moot the Petition Under 28 U.S.C. 2241 for a Writ of Habeas Corpus by a Person in Federal Custody (Doc. 1); and

IT IS FINALLY ORDERED that the Clerk of Court shall terminate this action and enter judgment accordingly.

Dated this 18th day of February, 2016.


Honorable Diane J. Humetewa
United States District Judge